

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**KEVIN KELLY, ALISON LOPEZ,  
MICHAEL SALAZAR, DENISE  
AMIRANTE and PETER ZIEGERHOFER,  
on behalf of themselves and other similarly  
situated,**

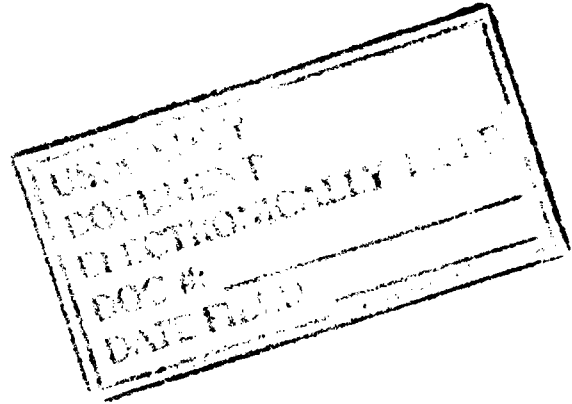
**Plaintiffs,**

**v.**

**BLT STEAK LLC and RITZ-CARLTON  
HOTEL COMPANY LLC, D/BA RITZ  
CARLTON WESTCHESTER**

**Defendants.**  
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**INDEX NO: 08-CV-8708-CS**



~~PROPOSED~~ **FINAL JUDGMENT AND ORDER GRANTING PLAINTIFFS' MOTION  
FOR FINAL APPROVAL OF SETTLEMENT AND CERTIFICATION OF  
SETTLEMENT CLASS**

The Settlement Agreement dated January 21, 2010 ("Settlement Agreement") between the Class Representatives, individual Plaintiffs, and Defendants provides for the Settlement of this lawsuit on behalf of the Class Representatives, Class Members, and individual Plaintiffs, subject to the approval by this Court of its terms and to the entry of this Final Judgment. Pursuant to an Order dated February 8, 2010 ("Preliminary Approval Order"), the Court scheduled a hearing (the "Fairness Hearing") to consider the approval of the Settlement Agreement and the Settlement reflected in it.

Defendants deny any wrongdoing, fault, violation of law, or liability for damages of any sort. Defendants have stipulated to the certification of this class for settlement purposes only.

In accordance with the Preliminary Approval Order, Notices were sent by first class mail to the Class Members.

A Fairness Hearing was held before this Court on April 23, 2010 and on July 16, 2010 to consider, among other things, whether the Settlement should be approved by this Court as fair, reasonable, and adequate, and whether Class Counsel's request for approval of attorneys' fees and expenses is reasonable and should be approved by this Court.

**NOW THEREFORE GOOD CAUSE APPEARING, IT IS HEREBY ORDERED,  
ADJUDGED AND DECREED, THAT:**

1. This Order incorporates by reference the definitions in the Settlement Agreement, and all capitalized terms used in this Final Judgment shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein.
2. The Court finds that the class proposed only for purposes of the Settlement meets the requirements of Fed. R. Civ. P. 23(b)(3), and hereby certifies a settlement class in the Litigation defined as:  
  
All hourly persons working in the classifications of Captain, Bartender, Runner/Server/Waiter, Barista, or Banquet Server that were employed by the Ritz-Carlton Hotel Company LLC at the Ritz-Carlton Westchester Hotel located in White Plains, NY at anytime between January 1, 2007 and January 31, 2010 that worked at the BLT Steak restaurant and/or banquets and/or special events at the hotel.
3. This Court approves the Settlement and all terms set forth in the Settlement Agreement and finds that the Settlement is, in all respects, fair, reasonable, adequate and in the best interest of the Class Members, and the Parties to the Agreement are directed to consummate and perform its terms.
4. This Court awards Class Counsel 30% of the total settlement amount, or \$99,000.00. as attorneys' fees.
5. This Court approves the Individual Enhancement Fees, specifically, \$4,000 to Class Representative Kevin Kelly, \$3,000 to Class Representative Peter Ziegerhoffer, and

\$1,500 each to Class Representatives Denise Amirante, Michael Salazar, and Alison Lopez and to opt-in Plaintiff David Noeth.

6. The entire Litigation is dismissed with prejudice, and without costs to any party. All Qualified Class Members are barred and permanently enjoined from participating in any other collective or class action lawsuit against the Releasees, or any of them, concerning the Claims settled in this Action.
7. The Parties having so agreed, good cause appearing, and there being no just reason for delay, it is expressly directed that this Final Judgment and Order Approving Class Action Settlement and Dismissal with Prejudice be, and hereby is, entered as a final order.

Dated: 7/16/10  
White Plains, New York

  
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HONORABLE CATHY SIEBEL  
UNITED STATES DISTRICT JUDGE